

Title:

People of the Philippines vs. Judge Antonio C. Evangelista and Grildo S. Tugonon, G.R. No. L-32447, 324 Phil. 80 (1993)

Facts:

- **May 26, 1988:** Grildo S. Tugonon attacked and stabbed Roque T. Bade with a knife around 9:00 p.m. in Barangay Poblacion, Villanueva, Misamis Oriental.
- **Charge Filed:** Tugonon was charged with frustrated homicide under Article 249 in relation to Article 6 of the Revised Penal Code.
- **Trial Court Conviction:** The Regional Trial Court (RTC) of Misamis Oriental, Branch 21, convicted Tugonon and sentenced him to one year of prision correccional in its minimum period. The court also ordered him to pay P5,000.00 for medical expenses.
- The RTC appreciated the mitigating circumstances of incomplete self-defense and voluntary surrender.
- **Appeal:** Tugonon appealed to the Court of Appeals.
- **Court of Appeals Decision:** The appellate court affirmed the RTC's ruling but modified the sentence to an indeterminate penalty of 2 months of arresto mayor as minimum to 2 years and 4 months of prision correccional as maximum.
- **December 21, 1992:** RTC set the case for repromulgation.
- **December 28, 1992:** Tugonon filed a petition for probation, arguing he met all qualifications under P.D. No. 968, as amended. He referenced the Supreme Court ruling in Santos To v. Paño to justify his right to probation even after appeal.
- **February 2, 1993:** RTC ordered Tugonon to report for an interview with the Provincial Probation Officer.
- **February 18, 1993:** Chief Probation and Parole Officer Isias B. Valdehueza recommended the denial of the probation application on the ground that Tugonon waived his right to probation by appealing the RTC's decision.
- **April 16, 1993:** Valdehueza reiterated his recommendation.
- **April 23, 1993:** RTC granted Tugonon's application for probation, setting aside the recommendation of the Probation Officer.
- **Petition Filed:** The prosecution petitioned the Supreme Court to review the RTC's decision, claiming grave abuse of discretion.

Issues:

1. Whether the RTC committed grave abuse of discretion by granting Tugonon's application for probation despite his appeal from the RTC's judgment.
2. Whether the amendment by P.D. No. 1990 to the Probation Law, which took effect on

January 15, 1986, applies to this case.

Court's Decision:

- **Issue 1 Resolution:** The Court decided that the RTC did commit grave abuse of discretion. The Probation Law, as amended by P.D. No. 1990, explicitly prohibits the granting of probation to a defendant who has perfected an appeal from the judgment of conviction. Tugonon's act of appealing precluded him from availing of probation.
- **Issue 2 Resolution:** The amended law explicitly states that no application for probation shall be entertained or granted if the defendant has perfected an appeal from the judgment of conviction. This case is governed by the amended provisions of P.D. No. 1990, as the application for probation was filed after its effectivity.

Doctrine:

- **P.D. No. 1990:** Once an accused appeals a conviction, they are barred from applying for probation. Probation is intended as an alternative to immediate imprisonment for those willing to be reformed and must be availed of at the earliest opportunity.

Class Notes:

- **Key Elements of Probation under P.D. No. 1990:**
 - Probation application must be filed before the perfection of an appeal from the judgment of conviction.
 - The filing of a probation application is deemed to be a waiver of the right to appeal.
 - Probation aims to offer an opportunity for rehabilitation, not as a strategy to delay justice.
- **Relevant Statute:**
 - **Article 249 and Article 6 of the Revised Penal Code:** Defines the crime of homicide and legal concepts regarding acts of execution.
 - **P.D. No. 968 (Probation Law), as amended by P.D. No. 1990:**

“
Sec. 4. Grant of Probation. [...] Provided, That no application for probation shall be entertained or granted if the defendant has perfected the appeal from the judgment of conviction. [...]

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- **Application:**
 - The prohibition against probation post-appeal is strictly enforced to prevent misuse of the probation system.

Historical Background:

- **Probation System in the Philippines:** Established under P.D. No. 968 (1976), aimed at rehabilitation rather than punitive measures.
- **Amendment by P.D. No. 1990:** Issued to address issues where accused exploited probation as a fallback after unsuccessfully appealing convictions, effective January 15, 1986.
- **Case Context:** Reflects the jurisprudence which upholds legislative intent to curb procedural abuses and ensure a smooth, effective administration of justice.